



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 116  
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Minutes  
September 28, 2010

**APPROVED**

**Present:**

**ES:** Ed Smith      **JK:** Jeff Kablik      **JN:** John Nappi      **LB:** Linda Bown      **LG:** Lucy Gertz  
**JE:** Jerry Earl      **BM:** Brian Martin      **MM:** Matt Marro, Conservation Director  
**Pam Berman:** Admin. Assistant

**7:00pm**    **Meeting opened** by Ed Smith

**7:00pm**    **27 Alpine Way – Request for Determination of Applicability** for the proposed construction of a 12' x 14' shed.

**JK:** Motion to waive the reading of the abutters list and legal ad.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 7   Opposed: 0**

**Passes: 7-0**

Homeowner Denise Palermo appeared before the Commission regarding the above project. MM reported that this project would not impact the wetlands and recommended a Negative Determination. There were no abutters present.

**JK:** Motion to close the hearing

**BM:** 2<sup>nd</sup> the motion

**In Favor: 7   Opposed: 0**

**Passes: 7-0**

**BM:** Motion to issue a Negative Determination for 27 Alpine Way for the construction of a 12' x 14' shed.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 7   Opposed: 0**

**Passes: 7-0**

**7:10pm Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP 309-0839** for the continued management of excessive vegetation with U.S. EPA & MADEP registered and approved herbicides. Continued from August 24, 2010.

Member Brian Martin recused himself from this hearing as he is an abutter and a representative for the Long Pond Clean Waters committee.

This hearing was postponed in order for DEP to issue a file number, which they have. Brian Martin spoke on behalf of the Long Pond Clean Waters Committee saying that the algaecide treatments would not have to be done until the spring. Subsequent chemical treatments would follow the same protocol as in past years. ES requested that follow-up reports be submitted on an annual basis to keep the Commission informed of the status of condition of the lake.

**LB:** Motion to close the hearing

**JK:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**LB:** Motion to issue a Standard Order of Conditions for DEP# 309-0839 for the continued management of excessive vegetation on Long Pond with the condition that annual reports be sent in to the Commission with the status of conditions of the lake.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**7:25pm 50 Westford Rd. (M21, P23-1) – Notice on Intent, DEP# 309-0838** with Stormwater Run-off analysis for the proposed installation of solar modules to develop a 37± acre solar energy generation facility within a bordering vegetated wetland involving the following: concrete pads, retaining walls, clearing trees, culvert, 1244 s.f. alteration, 2205 s.f. replication, and (2) limited project crossings as defined in 310 CMR 10.53(3)(e), with erosion controls. Continued from August 24, 2010.

Engineer Jesse Johnson reported that the stormwater and drainage concerns he had with the project were satisfactorily addressed by the applicant. Applicant, Walter Eriksen said that with the modifications to the stormwater and drainage plans, the number of solar panel arrays were reduced by 10%. The modified plans include 7 detention basins. In addition, the base of the solar panels will have a stone base that will create a terrace effect with a small lip that will keep the water run-off from increasing. Mr. Eriksen also noted that there would be a chain link fence encompassing the entire solar field. JK was concerned about the migration of wildlife through the fence. Steve Eriksen, wetland scientist on the project said that they can work with the developer to modify the fence to allow a pathway for wildlife. The Commission also requested that as part of the approval, an engineer inspection be done on the detention basins prior to loaming and seeding. There were no abutters present to comment.

**JK:** Motion to close the public portion of the hearing

**BM:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**JK:** Motion to issue a Standard Order of Conditions for 50 Westford Road, DEP# 309-0838 with the condition that the detention basins be inspected for ledge and groundwater prior to loaming and seeding, and for the applicant to work with the developer to modify the fencing to allow a migratory pathway for amphibians.

**BM:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**8:00pm**      **Ed Himlan: Massachusetts Watershed Coalition** – Tyngsborough Stormwater Regulation By-Law

Ed Himlan returned to the Commission with the final draft of the new Stormwater By-Law Regulations. These regulations are consistent with all Federal and State regulations. The Commission was very impressed with the work that Mr. Himlan has done and is looking forward to seeing the final product. Mr. Himlan also shared with the Commission a slide show of Low Impact Developments that showcased stormwater management.

**9:15pm**

**ES:** Motion to go into Executive Session for the purpose of discussing matters concerning an Enforcement Order on Thirsty's Pub at 25 Parham Rd, only to come out into adjournment.

**LB:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**Ed Smith: Yes**

**Brian Martin: Yes**

**John Nappi: Yes**

**Jeff Kablik: Yes**

**Linda Bown: Yes**

**Lucy Gert: Yes**

**Jerry Earl: Yes**

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**Minutes/Sign Forms/Other Business**

**BM:** Motion to approve the minutes as written from August 10, 2010

**LB:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Abstain: 1**

**Passes: 6-0-1**

**JK:** Motion to approve the minutes as written from August 24, 2010

**LG:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Abstain: 2**

**Passes: 5-0-2**

**9:50pm**

**JE:** Motion to adjourn

**BM:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

Respectfully submitted

Pamela Berman, Administrative Assistant